

1 MICHAEL P. KIMBRELL, ESQ.
2 Nevada State Bar # 07776
3 MICHAEL P. KIMBRELL, LTD
4 3470 EAST RUSSELL ROAD, Ste. 250
Las Vegas, Nevada 89120
(702) 471-7001
(Fax) 446-0493
Attorney for LUIS MIGUEL SAGRERO-ALBA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

10 || UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.
RICARDO SANTACRUZ-BECERILL,
13 MANUEL GUDINO-SIERRA,
14 LUIS MIGUEL SAGRERO- ALBA, and
HECTOR GONZALEZ-ALBA

15 || Defendant.

2:09-CR-00466-PMP-LRL

MOTION TO EXTEND TIME
REGARDING DISPOSITIVE MATTER

CERTIFICATION: THIS MOTION IS TIMELY FILED.

17 COMES NOW the defendant, **LUIS MIGUEL SAGRERO-ALBA** by and through his
18 counsel, **MICHAEL P. KIMBRELL, ESQ.**, and hereby moves this Honorable Court for an order
19 allowing an extension of time to file a Motion to Suppress Evidence based on counsel's appointment
20 after initial counsel was appointed July 9, 2010 and Ripe Motion deadline was July 1, 2010 for
21 defendant Sagrero-Alba. Due to the expiration of said Motion deadline before present counsel was
22 appointed Defendant and his counsel has been drprived of equal time to file any motions necessitated
23 by withdraw of prior counsel. This motion is based upon the attached memorandum of points and
24 authorities, together with all relevant papers and pleadings on file herein, and any evidence and
25 argument presented at the hearing.

26 || DATED this 19th day of January, 2011.

Respectfully submitted,

/s/ Michael P. Kimbrell

1
2 MICHAEL P. KIMBRELL, ESQ.
3 Counsel for Defendant
4

5 **MEMORANDUM OF POINTS AND AUTHORITIES**
6
7

8 I. FACTS
9

10 Current counsel was assigned as new counsel July 9, 2010 after prior counsel Motion to
11 withdraw was granted July 8, 2010. The motion ripe deadline expired for Defendant LUIS MIGUEL
12 SAGRERO-ALBA JULY 1, 2010. Current counsel required time to become familiar with the case
13 and explored possibility of gaining a new offer for pleading guilty. However, after much time, client
14 rejected any plea offer and preparation for trial began.

15 Current counsel gained a stipulation to extend the calendar call and trial dates based on his
16 late appointment. Presently counsel has prepared a motion to suppress statements Defendant
17 Sagrero-Alba is alleged to have made during the arrest. Current counsel discussed plan to seek such
18 an exemption from the expired motion deadline.

19 . II. ARGUMENT
20

21 Fundamental fairness and Sagrero-Alba's Sixth Amendment right to effective legal
22 representation merit a granting of exemption from the expired deadline to file motions.

23 Further, defendant is anxious to have vigorous representation and does not oppose the time
24 necessitated to file and argue said motion. It is anticipated that the time required to allow the
25 government to reply and a final reply by Defendant should not interfere with the current calendar call
26 and trial dates of March 9 and 15, 2011 respectively.

27 III. CONCLUSION
28

29 Based on the above argument, Mr. Sagrero-Alba requests this court enter an order granting an
30 exemption to the expired motion deadline allowing for filing of Motion to suppress the testimonial
31 evidence documented in the written arrest reports gained by an involuntary waiver of Mr. Sagrero-
32 Alba's Miranda rights.

1 DATED this 19th day of January, 2011.

2 /S/

3 MICHAEL P. KIMBRELL, ESQ.
4 NV Bar No. 007776
5 3470 EAST RUSSELL RD., SUITE
6 250
7 LAS VEGAS, NV 89120
8 (702) 471-7001
9 (702) 446-0493 FAX
10 Attorney for Defendant
11 LUIS MIGUEL SAGRERO-ALBA

12 **IT IS SO ORDERED.**

13 *[Signature]*

14 **UNITED STATES MAGISTRATE JUDGE**

15 **DATED:** 1-21-11

16
17
18
19
20
21
22
23
24
25
26
27
28